



City Council Meeting
CIBOLO MUNICIPAL BUILDING
200 S. MAIN
June 24, 2014
6:30 P.M.

Minutes

1. Call to Order – Mayor Jackson called the meeting to order at 6:31 p.m.
2. Roll Call – Council Present: Mayor Jackson, Councilman Pedde-District 1, Councilman Garrett-District 2, Councilman Castro-District 3, Councilman Doty-District 4, Councilman Hogue-District 6 and Councilman Dunn-District 7; Council Absent: Councilman Carlton-District 5; Staff Present: City Manager Herrera, City Attorney Banks, City Secretary Cimics, Finance Director Miranda, ED Director Luft, Fire Chief Niemietz, Police Chief Cox, Public Works Director Fousse, Director of Planning & Engineering Klein, and City Planner Gonzalez.
3. Invocation – Invocation was given by Councilman Castro.
4. Pledge of Allegiance – All in attendance recited the Pledge of Allegiance.
5. Citizens to be Heard

This is the opportunity for visitors and guests to address the City Council on any issue. City Council may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time, however, City Council may present any factual response to items brought up by citizens.

The following citizens signed up to be heard:

Melvin Hicks of Apache Circle talked about the news media and how they don't seem to get their stories right. Mr. Hicks also spoke on his concerns with flooding with the Gilbert Tract and hopes if zoning is changed it becomes SF-1. Marj Buell of Main Street read a letter from her granddaughter on the City no longer having the Fire Department Sausage Supper. She did attend the food truck event and had a good time. Marj point was change can be good as her granddaughter learned. Joel Hicks Lamar Street thanked the council for being transparent. Also talked about flooding in 2002 and 2004 and showed pictures of water in his backyard. Would like to see zoning of the Gilbert Tract zoned to SF-1. JC Dufresne of Lindy Hills suggested that impact fees be adjusted and that the CIP Committee that would be meeting soon could look at this. Steve Liparoto stated that he would have more information tomorrow on the Hays/Caldwell water numbers. Pat O'Brien thanked Councilman Hogue for getting Councilman Castro and him together. He had a few remarks to Councilman Doty on comments made about Ethics pertaining to Realtors. Mr. O'Brien also thanked everyone for the groundbreaking ceremony that took place last week at FM 1103 and Main Street.

6. Public Hearing

- A. City Council will hold a public hearing to hear public testimony concerning an update to the Future Land Use Map for an area located east of N. Main St., north of F.M. 78, abutting the southern property lines of Town Creek Subdivision and Steele High School.

Mayor Jackson opened the Public Hearing at 6:46 p.m. Joel Hicks spoke during the Public Hearing on zoning of the Gilbert Tract to SF-1. No one else spoke and Mayor Jackson closed the Public Hearing at 6:48 p.m.

- B. City Council will hold a public hearing to hear public testimony concerning the rezoning of 311.06 acres of real property, known as the Gilbert Tract, located east of N. Main St., north of F.M. 78, abutting the southern property lines of Town Creek Subdivision and Steele High School, from the Mixed Use Old Town/Town Center District (C-2) to Planned Unit Development (PUD), to allow a mixed use development comprised of commercial, retail, and residential.

Mayor Jackson opened the Public Hearing at 6:49 p.m. Janet Skinner spoke to council on this item. She stated her family owned the land south of the Gilbert Tract and wanted the City to know that there was a cemetery located on the Gilbert Tract. Melvin Hicks spoke and stated that he understands that the property owners have rights to sell their land. He just wants the City to place the zoning at SF-1 if it has to be changed. Joel Hicks spoke on the flooding issues and also express the interest to having zoning at the SF-1 on the Gilbert Tract. Mayor Jackson closed the Public Hearing at 7:00 p.m.

- C. City Council will hold a public hearing to hear public testimony concerning the re-platting of 0.961 acres out of a 1.254 acre lot originally platted as Mesa at Turning Stone Unit 1, Block 2, Lot 1. The proposed tract would become part of Mesa at Turning Stone Unit 4, Block 2, Lots 13, 14, 15, Kauri Cliffs right-of-way, and a 10 foot utility easement on Block 2, Lot 62.

Mayor Jackson opened the Public Hearing at 7:01 p.m. No one spoke during this Public Hearing and Mayor Jackson closed the hearing at 7:01 p.m.

7. Consent Agenda – Consent Items (General Items)

- A. Approval of the minutes of the Regular City Council Meeting held on June 10, 2014.
- B. Acceptance of the May 2014 Check Register pending final acceptance of the City's financial audit for the 2014/15 Fiscal Year.
- C. Acceptance of the Revenue & Expense Report ending May 31, 2014 pending final acceptance of the City's financial audit for the 2014/15 Fiscal Year.

Councilman Pedde made the motion to approve the consent agenda. Motion was seconded by Councilman Dunn. For: Councilman Pedde, Garrett, Castro, Doty, Hogue and Dunn; Against: None. Motion carried 6 to 0.

8. Staff Updates/Discussion

- A. Parks Department
- B. Street Department
- C. Utility Department
- D. Drainage Department
- E. Administration

Mr. Fousse the Public Works Director gave a report on drainage and street work that has been done during the last month.

9. Resolution

- A. Approval/Disapproval of a resolution of the City of Cibolo acknowledging and supporting the Business Plan of the Cibolo Valley Local Government Corporation for the development of water resources.

Councilman Pedde made the motion to approve the resolution of the City of Cibolo acknowledging and supporting the Business Plan of the Cibolo Valley Local Government Corporation for the development of water

resources. Motion was seconded by Councilman Dunn. For: Councilman Pedde, Garrett, Castro, Doty, Hogue and Dunn; Against: None. Motion carried 6 to 0.

B. Approval/Disapproval of a resolution awarding the City's Bank Depository Services Contract.

Councilman Castro made the motion to approve the resolution awarding the City's Bank Depository Services Contract. Motion was seconded by Councilman Pedde. For: Councilman Pedde, Garrett, Castro, Doty, Hogue and Dunn; Against: None. Motion carried 6 to 0.

10. Discussion/Action

A. Discussion/Action on the removal, appointments and re-appointments to Planning and Zoning Commission, Parks Commission, Streets and Drainage Commission, Board of Adjustments Commission, Capital Improvement Program (CIP), Cibolofest Committee, UDC Committee, Cibolo Youth Council and the Cibolo Economic Development Corporation.

No appoints made at this time.

B. Discussion/Action regarding the Final Acceptance of Infrastructure for Cibolo Valley Ranch 9.

Councilman Hogue made the motion to approve the Final Acceptance of Infrastructure for Cibolo Valley Ranch Unit 9 with the following improvements: Water: 1,800 Lineal Feet with a valuation of \$102,915.32; Sanitary Sewer: 1,735 Lineal Feet with a valuation of \$109,970.60; Street: 1,828 Lineal Feet with a valuation of \$213,218.51. Motion was seconded by Councilman Castro. For: Councilman Pedde, Garrett, Castro, Doty, Hogue and Dunn; Against: None. Motion carried 6 to 0.

C. Discussion/Action for a Preliminary Re-plat/Subdivision Plat of Mesa at Turning Stone.

Councilman Castro made the motion to approve the Preliminary Re-plat/Subdivision Plat of Mesa at Turning Stone. Motion was seconded by Councilman Pedde. For: Councilman Pedde, Garrett, Castro, Doty, Hogue and Dunn; Against: None. Motion carried 6 to 0.

D. Discussion/Action on the Final Plat for Cibolo Shopping Center.

Councilman Pedde made the motion to approve the Final Plat for Cibolo Shopping Center with the condition the final plat should not be recorded and the Site Plans not be approved until all traffic related construction plans are approved by the City Engineer. Motion was seconded by Councilman Dunn. For: Councilman Pedde, Garrett, Hogue and Dunn; Against: Councilman Castro and Doty. Motion carried 4 to 2.

E. Discussion/Action and direction to staff on the RV Ordinance.

Council gave staff direction to bring this item to the UDC Committee to address the zoning issue involved in this ordinance.

F. Discussion/Action and direction to staff on the City of Cibolo Ethics Policy.

Attorney Banks discussed this item with council. Ms. Banks will bring back to council some policies that have been written by other cities. Council will schedule workshops to go over the policy and changes that need to be made.

G. Discussion/Action and direction to staff on a Code of Conduct and Governance Policy.

This item will be discussed at the workshop with the Ethics Policy.

H. Discussion/Action and direction to staff on the purchasing of recycled trash bins for the City of Cibolo.

Council discussed the purchasing of more recycle bins. Chief Cox stated that he would place a form on the web site to find out how many people are interested in obtaining a recycle bin. Council will look at those numbers and then determine if and how they will proceed and if they should use the money generated from the recycling to purchase the bins.

I. Discussion/Action and direction to staff on notifications for property being zoned and rezoned.

Council directed staff to make a change and require placing signs on lots that were being zoned or rezoned. The city will also place door hangars on doors but will not place this in the requirement. Mr. Cosner spoke during this item and asked the council to look at expanding the 200 ft. rule on notification.

J. Discussion/Action on the review and confirmation of all upcoming special meetings and workshops and scheduling the time, date, and place of additional special meetings or workshops.

Council went over the June and July 2014 calendar.

11. Ordinance

A. Approval/Disapproval of a ordinance amending Chapter 46, Article IV of the City's Code of Ordinances and repealing Ordinance 797, to declare that the possession, use, manufacture, sale, offer for sale and discharge of fireworks in the City of Cibolo to be a public nuisance.

Councilman Doty made the motion to approve amending Chapter 46, Article IV of the City's Code of Ordinances and repealing Ordinance 797, to declare that the possession, use, manufacture, sale, offer for sale and discharge of fireworks in the City of Cibolo to be a public nuisance. Motion was seconded by Councilman Castro. For: Councilman Pedde, Garrett, Castro, Doty, Hogue and Dunn; Against: None. Motion carried 6 to 0.

12. Executive Session

The City Council will meet in Executive Session as authorized by the Texas Gov't Code Section 551.071 Consultation with Attorney to discuss:

A. Discussion regarding the pending litigation of Bentwood Ranch Homeowners Association vs. City of Cibolo.

This item was moved up on the agenda to after item 8. Council convened into Executive Session at 7:17 P.m.

13. Open Session

Reconvened into Regular Session and take/or give direction, if necessary, on items discussed in Executive Session.

Council reconvened into regular session at 7:41 p.m.

Councilman Garrett made the motion that the City Manager and City Attorney be authorized to enter into a agreed final dismissal of the litigation with prejudice in exchange for the City's agreement not to pursue attorney's fees from plaintiffs Bentwood Ranch HOA and all individuals plaintiffs, conditioned upon final dismissal of all claims and potential claims and all appeals by plaintiff Bentwood Ranch HOA and all individual plaintiffs. Motion was seconded by Councilman Dunn. For: Councilman Pedde, Garrett, Castro, Doty, Hogue and Dunn; Against: None. Motion carried 6 to 0.

14. City Council request(s) regarding specific items to be scheduled for future agendas.

None at this time

15. Adjournment:

Councilman Hogue made the motion to adjourn the meeting at 9:01 p.m. Motion was seconded by Councilman Dunn. For: Councilman Pedde, Garrett, Castro, Doty, Hogue and Dunn; Against: None. Motion carried 6 to 0.

PASSED AND APPROVED THIS 8TH DAY OF JULY 2014.



Lisa M. Jackson
Mayor

ATTEST:



Peggy Cimics, TRMC
City Secretary

